

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONERIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA(chief) Michael S. Owl Feather - Gorbey

Full Name of Plaintiff

Inmate Number

v.

Civil No.

20-1513

(to be filled in by the Clerk's Office)

Spaulding, Warden USP Lewisburg

Name of Defendant 1

☒ Demand for Jury Trial☐ No Jury Trial DemandKonkle, Captain, USP Lewisburg

Name of Defendant 2

Shirk, Shu Li, USP Lewisburg

Name of Defendant 3

Dr. Edinger, USP Lewisburg

Name of Defendant 4

The United States

Name of Defendant 5

(Print the names of all defendants. If the names of all defendants do not fit in this space, you may attach additional pages. Do not include addresses in this section). (see Attachment)

(under imminent danger)

FILED
SCRANTON

AUG 24 2020

Per

DEPUTY CLERK

I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

☐ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)☒ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants) (under imminent danger)☒ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States (under imminent danger)

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

owl Feather-Garbey Michael S.

Name (Last, First, MI)

Fed. 33405-013 D.C. Doc 31764

Inmate Number

USP Lewisburg

Place of Confinement

P.O. Box 1000 Lewisburg,

Address

Lewisburg, PA. 17837.

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

Spaulding, S.

Name (Last, First)

Warden

Current Job Title

2400 Robert F. Miller DR.

Current Work Address

Lewisburg PA. 17837

City, County, State, Zip Code

Defendant 2:

Konkle, J.
Name (Last, First)
Captain
Current Job Title
2400 Robert F. Miller DR.
Current Work Address
Lewisburg PA. 17837.
City, County, State, Zip Code

Defendant 3:

Shirk
Name (Last, First)
LT.
Current Job Title
2400 Robert F. Miller DR.
Current Work Address
Lewisburg, PA. 17837.
City, County, State, Zip Code

Defendant 4:

Edinger
Name (Last, First)
DR.
Current Job Title
2400 Robert F. Miller DR.
Current Work Address
Lewisburg PA. 17837
City, County, State, Zip Code

Defendant 5:

The United States
Name (Last, First)
US Government
Current Job Title
US DOJ 950 PA. AVE. NW.
Current Work Address
Washington D.C. 20530.
City, County, State, Zip Code

III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

usp lewisburg G-Block

B. On what date did the events giving rise to your claim(s) occur?

7-30-2020 - 8-2-2020 & CONTINUING.

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?)

ON ABOUT 7-29-20 INMATES ON THE 2ND FLOOR G-BLOCK
usp lewisburg WERE FOUND TO BE COVID-19 POSITIVE.

ON THAT SAME DAY (WITHOUT DOING) ANY MEDICAL
SCREENINGS. SPALDING, KENTLE, SHIRK & THE UNITED
STATES, MOVED INMATE AKA (COWBOY) INTO MY CELL
G-122 WHOM WAS BROUGHT FROM THE 2ND FLOOR. G-BLOCK
WHERE INMATES WERE COVID-19 POSITIVE.

ON 7-30-20 THE FACILITY WENT ON LOCKDOWN FOR COVID-19
PANDEMIC BREAKOUT.

ON 7-31-20 ALL INMATES ON G-BLOCK RANGE ONE WERE
GIVEN COVID-19 TESTS WHICH WERE STORED AFTER APPLICATION
OPEN. TOGETHER & UNSECURED. MANIPULATING THE TESTS.

WHERE THAT SAME DAY 7-31-20 STAFF RETURN CLAIMING
GORBEY TESTED COVID-19 POSITIVE & HE WAS MOVED AROUND
8:00 PM TO G-BLOCK 3RD FLOOR & PLACED ON QUARANTINE STATUS
IN CELL 318 (WITH) ANOTHER INMATE. ONE OF THE 1ST 2 ORIGINAL
INMATES TO TEST POSITIVE. & THREATENING GORBEY'S SAFETY,
WHERE SINCE GORBEY HAS NOT BEEN MEDICALLY EXAMINED, HAS
BEEN DENIED SHOWERS & SIMPLY KEPT IN SUBHUMAN CONDITIONS
see attachment to claim.

IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

8th amendment violations
(subject to) life threatening Pleag.
denied proper - timely medical treatment
denied showers, Toilettries or cleaning
supplies.

V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

sickness, subhuman conditions, lung damage.

VI. RELIEF

State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

① immediately carry to outside Hospital or medical center
For Emergency treatment. ② \$9,999,999.999.99 cash.
③ my Release From the FIBOP.

VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose. *to best of my knowledge*

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.

(Chief) Michael S. O'Neil Feather-Gorby
Signature of Plaintiff

8-3-20
Date

Defendant (6) BROWN,

Health service supervisor

2400 Robert F. Miller DR.

Lewisburg, PA. 17837.

Defendant (7) PIGUS K.

Doctor

2400 Robert F. Miller DR.

Lewisburg, PA. 17837.

CONTINUANCE Pages to claim of self

ON ABOUT 7-29-20 A Covid-19 Pandemic Breakout took place on G-Block Range 2 of USP Lewisburg, on that same day Defendant's Spaulding, Kunkle Shirk & the United States moved inmate AKA (Cowboy) From G-Block 2nd Range into Gorbey's cell on G-Block 1st Range Cell 122. (without 1st Examining him)

ON ABOUT 7-30-20 the institution was placed on Covid-19 Pandemic Breakout lockdown.

ON ABOUT 7-31-20 Lewisburg medical staff Authorities, Health service supervisor, & doctors Edinger & Pigos, directed Covid-19 (swab tests) conducted of all 1st Floor G-Block inmates while these tests were conducted from cell to cell in sequence and each swab was simply replaced to its original packaging unsealed flaps open & stored in a bundle with multiple other similar unsecured swabs & manipulating the integrity of any test.

Where, then later that day, Gorbey was advised by Correctional staff that the supervisory medical staff(s) had listed him as positive for Covid-19 & moved Gorbey to quarantine in cell 318 on the 3rd floor of G-Block around 8:00 pm 7-31-20

Gorbey was placed in cell 318 with inmate Michael Stapleton # 17627-104 one of the 1st two inmates originally discovered as Covid-19 positive in this pandemic breakout.

Where. This raises a list of concerns thus far.

- (a) When Authorities discover a breakout on G-Block 2nd Floor. Why was inmate (Cowboy) without being tested or screened moved from the contaminated 2nd floor to Gorbey's cell on the 1st floor?
- (b) Why were the swab tests not properly separately & individually secured?
- (c) Why was Gorbey not carry to medical & examine when his swab test allegedly produce a positive result.
- (d) Why. When other comparable inmates on the 1st floor also received positive Covid-19 results was Gorbey not quarantined with one of those inmates or in fact why was Gorbey allegedly (quarantined) with any other inmate &
- (e) Why was inmate Stapleton #104 chosen as the person to place Gorbey in a cell with when Gorbey's results were questionable and yet Stapleton is positively suffering from Covid-19 sickness?

It is clear evidence that defendants have openly try to infect Gorbey with Covid-19 a known plague that is thus far incurable & clearly threatening Gorbey's safety.

Where Gorbey has been denied any showers since Tuesday 7-28-20 now some 6 days strate unable to Effective clean or wash away germs. Gorbey is kept on the 3rd Floor of G-Block with no proper ventilation or any cooling system with temperatures in the upper 80's & lower 90's promoting germs & sickness.

Gorbey has been denied any laundry, to be force to indure dirty cloaths, sweaty bed linnon & not given any chemicals or cleaning supplies.

Gorbey is simply left in a cell with a positive Covid-19 inmate to suffer such sickness & being a clear threat to Gorbey's safety.

Where not (once) has Gorbey been medically examine & only periodically do staff stop by to do nothing but a temperature check & clearly violating Gorbey's 8th amendment Rights. see. (denial of medical treatment)

Estelle 429 US at 104.

Gutierrez vs. Peters 111 F.3d 1364, 1369 (9th Cir. 1997)

Ebrahim vs. District of Columbia 463, F.3d.3.7. (D.C. Cir. 2006)

We have no difficulty concluding that a chronic disease that could result in serious harm or even death constitutes serious physical injury.

these defendants have subject Gorbey to a serious plague or disease that clearly poses

A serious threat to Gorbey's life. & have deny him medical treatment & showers, cleaning supplies, laundry and have simply kept him in subhuman conditions (to try to) intensify the threat of the plague or disease upon Gorbey. While Gorbey does suffer sickness from this. Head Ake, chest pains, congestion, Nasia, Diarea, & Night - Day sweats & Fever.

Relief sought

- (1) I WANT Transfer immediately to an outside Hospital or medical center, in local Pennsylvania For "Emergency" Treatment.
- (2) I Demand \$9,999,999,999,99 cash.
- (3) I Demand my immediate Release From the F.Bop. As such conditions go beyond any intended sentence.

(Chief) Michael S. Owl Feather - Gorbey

33405-013

USP Lewisburg

PcBox 1000

Lewisburg PA,

17837.

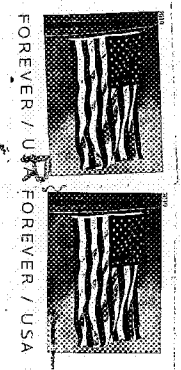
Inmate Name: Michael S. Wall Feaster - Garbey
Register Number: 33405-013
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

~~21 AUG 2020~~

STJ/sk

AUG 24 2020

RECEIVED
SCRANTON



(legal-special mail)

RECEIVED Clerk of Court PER _____
SCRANTON DEPUTY CLERK

AUG 21 2020
U.S. District Court

(open only in presence of) PER K. C. P.O. Box 1148
Garbey or the U.S. Court
Scranton, PA
18501-1148